

REMARKS

This paper responds to the Office Action dated December 9, 2010. No claims are presently amended. Claims 1-29 were previously canceled. No claims are canceled herein, and no claims are added herein. As a result, claims 30-53 remain pending in this application.

Specification Objections

The specification was objected to as allegedly failing to provide proper antecedent basis for the claimed “optical medium” recited in claims 35-37 and 46-50.¹ Subject matter support for “optical medium” is found in the originally filed specification, as evidenced by the published application 2007/0033419. For example, the Abstract explicitly states that “[a]n exemplary **optical disc (200)** carries an encrypted digital video title combined with data processing operations that implement the title’s security policies and decryption processes.”² In FIG. 2, item 200 is labeled “**MEDIA**”.³ Accordingly, the specification contains proper antecedent basis for the claimed “optical medium” recited in claims 35-37 and 46-50. Thus, it is respectfully requested that this objection be withdrawn and that the claims be allowed.

The specification was further objected to as allegedly failing to provide proper antecedent basis for the claimed “machine readable medium” recited in claim 52.⁴ Subject matter support for “machine readable medium” is found in the originally filed specification, as evidenced by the published application. For example, paragraph 0014 discusses “a compact **disc** [that] can contain . . . audio tracks as well as a data session **for use on personal computers** (e.g., containing **software** . . .).”⁵ The same paragraph 0014 states that “[c]ompact discs for use . . . in personal computers can contain both encrypted content as well as the playback software required to play the content.”⁶ Moreover, “[e]mbodiments that receive content on physical media can use

¹ Office Action at 2.

² U.S. Patent Application Publication 2007/0033419, “Specification,” Abstract, emphasis added.

³ *Id.* at FIG. 2, item 200, emphasis added.

⁴ Office Action at 2.

⁵ Specification at paragraph 0014, emphasis added.

⁶ *Id.*

virtually any media format,”⁷ and “[t]he storage capacity of the **media can be used for storing** data of many different types, including **information related to the techniques and systems disclosed herein** (such as **executable programs . . .**).”⁸ Accordingly the specification contains proper antecedent basis for the claimed “machine readable medium” recited in claim 52. Thus, it is respectfully requested that this objection be withdrawn and that the claim be allowed.

Double Patenting Rejections

Claims 30, 35, and 53 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over copending Application No. 10/614,765, claims 2, 12 and 16, in view of Herzberg *et al.* (EP 0717337, “Herzberg”). Without any admission, express or implied, that any of claims 30, 35, and 53 are obvious in view of copending Application No. 10/614,765, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to obviate these provisional rejections.

⁷ *Id.* at paragraph 0422.

⁸ *Id.*, emphasis added.

CONCLUSION

It is respectfully submitted that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4048 to facilitate prosecution of this application.

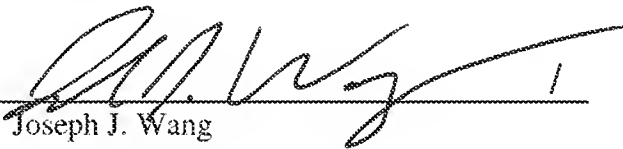
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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